

AMENDED IN ASSEMBLY JUNE 2, 1999

AMENDED IN ASSEMBLY APRIL 7, 1999

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

## ASSEMBLY BILL

**No. 746**

**Introduced by Assembly Member Papan**

February 24, 1999

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~~An act to amend Section 83115.5 of the Government Code,~~  
*An act relating to the Political Reform Act of 1974.*

### LEGISLATIVE COUNSEL'S DIGEST

AB 746, as amended, Papan. Political Reform Act of 1974:  
~~violations.~~

*Existing law establishes the Bipartisan Commission on the Political Reform Act of 1974 to investigate and assess the effect of that act on core political speech protected by the First Amendment to the United States Constitution, and on candidates for public office, campaign committees, the voters, state and local officials, and public employees, including the act's effect upon communications to and from public officials. The commission is required to report to the Legislature, by October 1, 1999, its findings and any recommendations to further the goals of the act.*

*This bill would state the intent of the Legislature to implement those recommendations.*

~~(1) Existing law requires the Fair Political Practices Commission (FPPC) to provide certain notice to a person alleged to have violated the Political Reform Act of 1974 at~~

~~least 21 days prior to considering the alleged violation to determine whether probable cause exists that the act has been violated by that person.~~

~~This bill would also provide that if a person is alleged to have violated specified provisions related to recordkeeping and filing of campaign statements, the commission shall not make a finding of probable cause to believe that a violation of this title has occurred unless the person is notified of the violation under existing law and the person fails to correct the violation and show that the violation was not intentional by filing the required statement, report, or other document within 21 days of notification.~~

~~(2) The Political Reform Act of 1974, an initiative measure, provides that the Legislature may amend the act to further the act's purposes with a  $\frac{2}{3}$  vote of each house and compliance with specified procedural requirements.~~

~~This bill would declare that it furthers the purposes of the act.~~

~~Vote:  $\frac{2}{3}$  majority. Appropriation: no. Fiscal committee: yes no. State-mandated local program: no.~~

*The people of the State of California do enact as follows:*

1     ~~SECTION 1. Section 83115.5 of the Government~~

2     ~~SECTION 1. It is the intent of the Legislature to~~  
3     ~~implement the recommendations of the Bipartisan~~  
4     ~~Commission on the Political Reform Act of 1974.~~

5     ~~Code is amended to read:~~

6     ~~83115.5. (a) (1) Except as provided in paragraph~~  
7     ~~(2), no finding of probable cause to believe this title has~~  
8     ~~been violated shall be made by the commission unless, at~~  
9     ~~least 21 days prior to the commission's consideration of~~  
10    ~~the alleged violation, the person alleged to have violated~~  
11    ~~this title is notified of the violation by service of process~~  
12    ~~or registered mail with return receipt requested,~~  
13    ~~provided with a summary of the evidence, and informed~~  
14    ~~of his or her right to be present in person and represented~~  
15    ~~by counsel at any proceeding of the commission held for~~  
16    ~~the purpose of considering whether probable cause exists~~  
17    ~~for believing the person violated this title.~~

1     ~~(2) If a person is alleged to have violated Article 1~~  
2     ~~(commencing with Section 84100) or Article 2~~  
3     ~~(commencing with Section 84200) of Chapter 4,~~  
4     ~~excluding Sections 84203, 84203.3, 84204, and 84302, no~~  
5     ~~finding of probable cause to believe that a violation of this~~  
6     ~~title has occurred shall be made by the commission, unless~~  
7     ~~the person is notified of the violation pursuant to~~  
8     ~~paragraph (1) and the person fails to correct the violation~~  
9     ~~and provide evidence that the violation was not~~  
10    ~~intentional by filing the required statement, report, or~~  
11    ~~other document within 21 days of notification.~~

12    ~~(b) Notice to the alleged violator shall be deemed~~  
13    ~~made on the date of service, the date the registered mail~~  
14    ~~receipt is signed, or if the registered mail receipt is not~~  
15    ~~signed, the date returned by the post office.~~

16    ~~(c) A proceeding held for the purpose of considering~~  
17    ~~probable cause shall be private unless the alleged violator~~  
18    ~~files with the commission a written request that the~~  
19    ~~proceeding be public.~~

20    ~~SEC. 2. The Legislature finds and declares that the~~  
21    ~~provisions of this act further the purposes of the Political~~  
22    ~~Reform Act of 1974 within the meaning of subdivision (a)~~  
23    ~~of Section 81012 of the Government Code.~~